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10/596,906	06/28/2006	Takashi Kumsabe	NIS-16741	2073
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RANKIN, HILL & CLARK LLP			KUMAR, RAKESH	
38210 Glenn Avenue			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,906	<b>Applicant(s)</b> KUMABE ET AL.
	<b>Examiner</b> RAKESH KUMAR	<b>Art Unit</b> 3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 28 June 2006.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5,10 and 12-14 is/are rejected.  
 7) Claim(s) 6-9,11 and 15-19 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 07/20/2006

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations "path includes two long sides longer than one side of the case and orthogonally crossing each other so that an intersection of the long sides is formed on a side of the center line," as recited in claim 8 line 5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to because Figures 6,10,14,16-19 comprise figure shadings making distinguishing details difficult. It is suggested the applicant resubmit drawing omitting figure shadings. Appropriate action is required

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 4,14. Claim 4 recites the limitations "article moving mechanism includes a rotating shaft," on line 1, further reciting "a first moving mechanism ... which is rotated as the rotating shaft rotates," on line 5 and recites "second moving mechanism ... predetermined position as the rotating shaft rotates," on line 7. It is unclear whether the rotating shaft as disclosed in article moving mechanism is the same rotating shaft as disclosed in the first and second moving mechanism. As best understood the article moving mechanism (which ejects the article) includes a

rotating shaft and the first moving mechanism includes a different rotating shaft which rotates the article stocker. Appropriate action is required.

Referring to claim 5,6. Claim 5 recites the limitations "n article stockers," on line 2, "n article moving mechanisms," on line 5, "n motors," on line 15. The quantity n is considered to be indefinite for failing to positively define the subject matter the applicant claims as the invention. There are multiple issues as described above in this and other proceeding claims, the applicant is further advised to amend all such variable indefinite limitations disclosed. Appropriate action is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5,6,10,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin (US 2003/0183645 A1) in view of Waldrum (US 5,020,725)

Referring to claims 1 and 5. Shin discloses a vending machine (Figure 2) comprising: an article stocker (30) that stores a plurality of articles (800);

an article moving mechanism (including 31,32 and 34; Figure 3) that moves at least one of the plurality of articles (800) stored in the article stocker (30) into an article guide path (40; Figure 4);

a manual operation means (600; Figure 1) driving a motor (31) driven by the electric power and

the article moving mechanism (including 31,32 and 34; Figure 3) being constructed to operate by utilizing the output of the motor (31) as the operation source.

Shin does not disclose a manual operation means that is manually driven and does not disclose drive force generation/transmission mechanism that generates a drive force driving the electric motor.

Waldrum discloses a manual driven apparatus (Figure 1) comprising a manual operation means (34) that is manually driven;

and a drive force generation/transmission mechanism that generates a drive force by utilizing a force applied from the manual operation means and transmits the drive force to the article moving mechanism (16; see Figure 2) as an operation source therefor,

the drive force generation/transmission mechanism including a generator (36) that generates an electric power by utilizing the force applied from the manual operation means (34) and a motor driven (16) by the electric power (42) generated by the generator (36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Shin to include a manual

operation means (34) that is manually driven providing electric power to the motor driving the article moving mechanism as taught by Waldrum because the manually driven vending apparatus would be designed to function in case of a power outage or in remote locations where electric power is inaccessible.

Referring to claims 2 and 12. Waldrum discloses a manual driven apparatus (Figure 1) comprising a manual operation means (34) that is manually driven; further comprising a display device (58; Figure 2) that carries out electrical and/or voice indication by using the output of the generator (36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Shin to include a display device that carries out electrical indication using the output of the generator as taught by Waldrum because the vending machine would be easier to use by a user when the display is shown to the user.

Referring to claim 3,13. Waldrum discloses a manual driven apparatus (Figure 1) comprising a manual operation means (34) that is manually driven; wherein the manual operation means (34) includes a rotary member (34) rotating about a rotating shaft (center of member 66) and a handle (handle of 34) section provided at the rotary member (34), which is operated to rotate the rotary member, and wherein the drive force generation/transmission mechanism (36) includes an accelerating mechanism that causes the rotating shaft of the generator to rotate at a

higher speed (see gear mechanism 66,67,68) than that of the rotary member (34) by utilizing the rotation of the rotary member.

Referring to claim 6. Shin discloses a vending machine (Figure 2) comprising: an article stocker (30) that stores a plurality of articles (800); wherein the drive force generation/transmission mechanism (activating buttons 600) include coin collecting devices (400 and 500) provided correspondingly at the article stockers to collect a required number of coins for dispensing the article, wherein the motor selection/drive device is constructed to select the motor corresponding to the coin collecting device to which the required number of coins have been inserted and to supply the electric power from the generator only to the selected motor (the vending apparatus as disclosed in Figure 1 allows for a user to add moneys to the collection box and then select the article wanted by buttons 600).

Referring to claim 10. Waldrum discloses a manual driven apparatus (Figure 1) comprising a manual operation means (34) that is manually driven; comprising a battery or rechargeable battery (Col. 1) to be charged with the output of a battery or the generator, wherein the battery or the battery or rechargeable battery is used as a driving power source for the motor selection/drive device.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Waldrum and further in view of Takagi (US 4,480,764).

Referring to claims 4,14. Shin discloses a vending machine (Figure 2) comprising: an article stocker (30) that stores a plurality of articles (800); wherein the article moving mechanism (including 31,32 and 34; Figure 3) includes a rotating shaft (34; Figure 3) having an axis line that coincides with a center line of the article stocker (30; see Figure 3) and a second moving mechanism (32) that moves the article (800), which has been moved to the predetermined position (bottom most article; see Figure 5 and 6) as the rotating shaft rotates (34), into the article guide path (40).

Shin in view of Waldrum do not disclose a first moving mechanism wherein the article stocker rotated by rotating shaft driven by a drive force.

Takagi discloses a dispenser (Figure 1) wherein the article stocker (22; Figure 2) is rotated by a drive force applied to a rotating shaft (13 by a motor 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Shin in view of Waldrum such that the article stocker is rotated by the moving mechanism driven by a motor as taught by Takagi because it would allow the dispenser to move each stocking magazine to the second moving mechanism thus save apparatus cost.

***Allowable Subject Matter***

Claims 6-9,11,15-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAKESH KUMAR whose telephone number is (571) 272-8314. The examiner can normally be reached on M-F 8 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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